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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,859	06/02/2004	Mark E. Robinson	70655.3500	3858
20322	7590	10/19/2004	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001				LABAZE, EDWYN
		ART UNIT		PAPER NUMBER
		2876		

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/709,859	ROBINSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	EDWYN LABAZE	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6182004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 6/18/2004.
2. Claims 1-17 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Armes (US 2001/0034720).

Re claims 1 and 9: Armes discloses system for facilitating a transaction, which includes a poller [means to transmit files to CAS through the STN 15] configured for substantially real-time queuing of a billing transaction file (see fig. # 2; step 105; paragraphs 0084-0088); a splitter [to break a file into multiple subsets, formatting and/or division of transaction files] configured to split the transaction file into at least one subset (paragraphs 0054+), a Card Authorization System CAS 7 configured for authorizing said subset, said card authorization system configured with at least one socket (paragraphs 0059+), and a merger [with means of combining the authorized transactions] configured to reconstruct said subset into said billing transaction file (paragraphs 0043+).

Re claims 2 and 11-12: Armes teaches a system and method, wherein the transaction file is split into at least one of one, five, and eight subsets 81, 84, 85, 88 (as shown in fig. # 11; paragraph 85).

Re claims 3 and 13: Armes discloses a system and method, wherein the system is configured to operate in substantially real time (paragraph 0072).

Re claims 4 and 14: Armes teaches a system and method, wherein the system is configured to operate on a first come first served [using means of generating a random number to route incoming requests, i.e. performing “queuing” methodology] basis (paragraph 0098).

Re claims 5-6 and 15-16: Armes discloses a system and method, further comprising a logger configured to store factual reference information associated with a plurality of billing transaction file sizes, wherein said logger is configured to recognize at least one of small, medium and large transaction file sizes (paragraphs 0068-0074).

Re claims 7 and 17: Armes teaches a system and method, further comprises a formatter, wherein the formatter is configured to facilitate readability by the Card Authorization System of the transaction files (paragraph 0054; see the limitations of claim 3 of Armes on page 16).

Re claims 8 and 10: Armes discloses a system and method, wherein the billing transaction includes a billing transaction [through step 326b] (paragraph 0113).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2876

Furphy et al. (US 2002/0107794) discloses method and system for processing transactions.

Bonalle et al. (US 2003/0041025) teaches system and method for flexible promotional rates

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
October 13, 2004



KARL D. FRECH  
PRIMARY EXAMINER